

December 1, 2016

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

-v-

Case No. 15-20040

TASHUN YVONNE WHITE,

Defendant.

/

JURY TRIAL
EXCERPT

BEFORE THE HONORABLE JUDITH E. LEVY
UNITED STATES DISTRICT JUDGE

DECEMBER 1, 2016

APPEARANCES:

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* * *

MR. GILMER-HILL: Your Honor, the Government calls Mr. Jimmy McWherter.

THE COURT: Okay.

Thereupon,

J I M M Y M C W H E R T E R ,

having been called as a witness and having been first duly sworn testified as follows:

THE COURT: Thank you. You can have a seat in our witness box.

DIRECT EXAMINATION

BY MR. GILMER-HILL:

Q. Good afternoon, Mr. McWherter. Would you please state your name and spell your last name?

A. Jimmy McWherter, M-C-W-H-E-R-T-E-R.

Q. Thank you, sir. Sir, do you know a person who goes by the nickname D?

A. Yes, I do.

Q. And is that person's name Derrick White?

A. Yes, it is.

Q. And if you would take a look at Exhibit 1F1, please.

Would you tell us, please, is this a picture of the individual you're referring to as D and Derrick White?

1 A. Yes, it is.

2 Q. Thank you. Sir, did you participate in a drug trafficking
3 conspiracy with Derrick White?

4 A. Yes, I did.

5 Q. And in fact, were you charged in relation to that drug
6 trafficking conspiracy?

7 A. Yes.

8 Q. Charged with drug trafficking and money laundering,
9 correct?

10 A. Yes.

11 Q. And in relation to your drug trafficking and money
12 laundering activities, you were arrested in approximately
13 February of 2010; is that correct?

14 A. Correct.

15 Q. And sometime -- at the time of your arrest, you provided
16 an initial statement to the agents on scene on the same day
17 that you were actually arrested?

18 A. As far as?

19 Q. Did you say anything to the officers on scene at all? Did
20 you make a statement that first -- when you were first
21 arrested?

22 A. I did talk briefly with them.

23 Q. Okay. So you were asked questions. You were willing to
24 talk to them that day?

25 A. Yes.

1 Q. Did there come a later point in time when you had an
2 attorney where you agreed to speak with the officers and the
3 agents and the Government further in what was called a briefing
4 session?

5 A. Yes.

6 Q. And was there a letter agreement that you reviewed in
7 relation to that briefing session?

8 A. I believe that was the -- is that a Kastigar letter?

9 Q. You reviewed a Kastigar letter?

10 A. Yes.

11 Q. Sir, in that book in front of you -- all right. And in
12 addition to the letter agreement, in addition to the Kastigar,
13 did you later enter into a Rule 11 plea agreement?

14 A. Yes.

15 Q. With the Government?

16 A. Yes.

17 Q. And have you, in fact, plead guilty to the drug
18 trafficking and money laundering conspiracies that you were
19 involved in?

20 A. Yes, I have.

21 Q. And in relation to your Rule 11 plea agreement, there was
22 a -- both a statutory exposure that you were told about as to
23 how much prison time you could get, correct?

24 A. Yes, there was.

25 Q. And there was also a guideline range reflected in the Rule

1 11 plea agreement as to how much time the guidelines suggested
2 the judge should take into consideration for sentencing you?

3 A. Yes.

4 Q. And those were guidelines that your attorney and the
5 attorney for the Government, myself, had come up with and put
6 into that agreement, correct?

7 A. Correct.

8 Q. And so with your guilty plea you were looking at a range
9 of -- a recommended range within of approximately 210 to 262
10 months; is that correct?

11 A. Yes.

12 Q. In addition you were also subjected -- you've already been
13 subjected to substantial forfeiture; is that correct?

14 A. Correct.

15 Q. You've had motor homes, boats, lots of assets seized?

16 A. Yes. Pretty much.

17 Q. Lots of money seized?

18 A. Yes.

19 Q. And as part of the Rule 11 plea agreement, you still
20 remain subject to a forfeiture judgment; is that correct?

21 A. I believe so.

22 Q. \$250,000 -- an amount up to \$250,000; is that correct?

23 A. Yes.

24 Q. And in addition to the Rule 11 plea agreement, you entered
25 into a cooperation agreement with the Government; is that

1 correct?

2 A. Correct.

3 Q. And the cooperation agreement requires your willingness to
4 sit down to be interviewed by law enforcement officers; is that
5 correct?

6 A. Yes.

7 Q. And the Rule 11 plea agreement and its accompanying
8 cooperation agreement requires you to be willing to testify at
9 trial; is that correct?

10 A. Yes.

11 Q. And the cooperation agreement requires your truthful -- it
12 requires you to provide truthful and complete information
13 concerning all facts for this case known to you, correct?

14 A. Correct.

15 Q. And that same parameter applies to your -- well, to your
16 interviews, to your testimony. To the information you provide
17 you were required to provide truthful information, correct?

18 A. Yes.

19 Q. Not necessarily helpful information, but truthful
20 information?

21 A. Yes.

22 Q. All right. So let's talk about how you first came to meet
23 D, Derrick. Please tell us how did you meet D?

24 A. I first met him I was working at a automotive customizing
25 shop where we did custom paint, stereos, wheels, interior

1 stuff. And the shop just opened. And somehow the owner of the
2 shop knew him and brought him in as a customer.

3 Q. Okay. Do you remember the name of that shop?

4 A. Yes. It was Top of the Line Motoring.

5 Q. And where was Top of the Line Motoring located?

6 A. It was on Mound Road in Sterling Heights, Michigan.

7 Q. So the metropolitan Detroit area?

8 A. Yes.

9 Q. And approximately when was this shop opened? You said you
10 began working there when it opened?

11 A. Yeah. I was the one that helped open the shop. It opened
12 around the year of 2002. 2002, 2003, somewhere in there.

13 Q. Okay. And once D had been brought in as a customer, did
14 he become a regular customer?

15 A. We did a couple cars for him. And we seen him a couple
16 times kind of come to the shop just to either say hi to the
17 owner or talk to the owner. Then when the shop was closed.

18 Q. Okay. And so approximately when did the shop close?

19 A. The shop was bought out about a year later and changed
20 name.

21 Q. So it was opened for about a year?

22 A. Yes.

23 Q. So during the year, roughly year period that the shop was
24 open, how many cars did D bring in?

25 A. We worked on, I believe, three of his vehicles.

1 Q. Three different cars?

2 A. Yes.

3 Q. Do you remember what type of cars they were?

4 A. Yeah. One was a Grand National. It's like an older '86,
5 '87 Grand National. One was -- I believe it was a Marauder. I
6 believe it was a four-door large sedan. Then a newer vehicle.
7 And then also a blue Denali.

8 Q. What type of Denali?

9 A. It's a GMC Denali. It was custom painted. A light blue
10 color.

11 Q. Custom painted?

12 A. Yeah.

13 Q. And what about these other vehicles that you mentioned,
14 the Grand National and the Marauder. Were they customized
15 also?

16 MR. JORDAN: Judge, I'm going to ask as to relevance
17 of these vehicles?

18 THE COURT: Are these the vehicles at issue in the
19 exhibits we've seen?

20 MR. GILMER-HILL: No, Your Honor.

21 THE COURT: Okay. And so if it's not directly
22 related to the vehicles we need to know about, I'd ask that
23 you move on.

24 MR. GILMER-HILL: Certainly, your Honor.

25 BY MR. GILMER-HILL:

1 Q. Approximately how old was D when you first met him?

2 A. Early -- mid 20's. Probably mid 20's.

3 Q. And so this regular -- and so the type of customization
4 that you were doing at your shop, was it standard audio
5 installation type of customization?

6 A. We did a lot of work for athletes, a lot of Piston players
7 had cars that were done there. So it was not your normal
8 stereo installs. It was instead of just putting a radio in a
9 dash, it was building custom dashes. Instead of putting just a
10 regular speaker box, it was all built in. So it kind of looked
11 more high end kind of built into the car. Always used to joke
12 with people, kind of like the Pimp My Ride type style of
13 install that we did.

14 Q. And sir, that microphone, I'd ask you not to lean into it.
15 But could you just pull it so that it's in front of you?

16 THE COURT: Or just lean a little bit. It doesn't
17 move is the problem.

18 BY MR. GILMER-HILL:

19 Q. Perfect. All right. So given what you described, fair to
20 say it's a -- the shop handled high end customization?

21 A. Yeah.

22 Q. What are the price range of the customization work that
23 you did?

24 A. Probably the cheapest thing that was ever done through the
25 shop would have been at least a \$5,000 install and they went

1 all the way up to somebody we did were hundred thousand dollar
2 installs.

3 Q. And the work that was done on D's three vehicles,
4 approximately where did that fall?

5 A. They were probably closer to the somewhere maybe between
6 10 and 15,000.

7 Q. And did you -- for this 27-year-old with the three
8 vehicles having this type of customization work done, did you
9 notice how he was dressed?

10 A. I mean, at the time he looked just kind of normal.
11 T-shirt, jeans. And everything was always clean, nice looking
12 clothes. But just looked like normal kind of clothes. Not
13 like a suit and tie or nothing like that.

14 Q. Did there come a point in time when you did begin to
15 notice how D was dressed?

16 A. Yeah. Later on knowing him and seeing him, I started to
17 notice that the jeans were definitely higher end jeans. The
18 belt and shoes were nicer designer like Louis Vuitton or Gucci.
19 Nice watch. Sometimes like a nice chain, charm.

20 Q. And was this after you and D had begun drug trafficking
21 together?

22 A. Yes.

23 Q. And when you say -- I believe you made reference to a
24 nicer watch. Was it the same watch all the time?

25 A. No. There was at least a couple of different watches.

1 Q. And so what type of watch was it or what type of watches
2 are you talking about?

3 A. I'm not really sure on watch makes. I know it was always
4 like they would call them like big faces. Like it was a bigger
5 display I guess you would call it. The bigger face of the
6 watch. Usually diamonds or something somewhere around the face
7 of it, around the bezel.

8 Q. More expensive watches?

9 A. Yeah. I mean, they definitely, you know, looked more
10 expensive. But like I said, looked like added diamonds to it.

11 Q. Oh, like diamonds had been added to a watch? Not that the
12 diamonds came with the watch?

13 A. Right. Kind of looked like something was added to it.

14 Q. Like a customized watch?

15 A. Right.

16 Q. Similar to the customized cars?

17 A. Right.

18 Q. And I think you made reference to Louis Vuitton belt. Was
19 it a Louis Vuitton belt you mentioned?

20 A. Yes. Belt and then also Gucci.

21 Q. So you also mentioned jewelry. Could you describe the
22 type of jewelry that you saw D wearing?

23 A. Some were just like longer length white gold chains. It
24 was a couple with charms that had the little diamond encrusted
25 like micrometer holding another diamond in it as like a charm

1 on the chain.

2 Q. A diamond encrusted micrometer holding another diamond?

3 A. Yeah. Kind of little diamonds added to it. It looked
4 like it was white gold holding another diamond.

5 Q. And approximately during what years are we talking about
6 when you saw D dressed this way?

7 A. That would probably have been somewhere between '06, '07.
8 Until about 2010.

9 Q. How frequently did you see D dressed this way?

10 A. The clothing was pretty much any time I did see him.

11 Q. When you say any time --

12 A. I mean --

13 Q. When you say any time, you mean like any time of day or do
14 you mean every time?

15 A. Yeah. Any time. Any time of day.

16 Q. Okay?

17 A. It was kind of, I guess, his normal dress. Sometimes not
18 like with like the chain or the jewelry or anything or usually
19 the watch and nice clothes.

20 Q. So usually the watch and the nice clothes?

21 A. Yeah.

22 Q. And did you see him dress this way at different locations?

23 A. Yes.

24 Q. Different states?

25 A. Yes.

1 Q. Different cities?

2 A. Yes.

3 Q. Did you see him dress this way when he was in Arizona?

4 A. Yes.

5 Q. Did you see him dress this way when he was in Detroit?

6 A. Yes.

7 Q. Did you see him dress this way in California?

8 A. I don't remember seeing him in California.

9 Q. During the beginning phase of your drug trafficking with
10 D, did you take any trips out to California?

11 A. Yes, I did.

12 Q. And were those trips to California related to the drug
13 trafficking with D?

14 A. Yes, they were.

15 Q. So I'm not quite clear. When you were discussing how he's
16 dressed, you said any time, in terms of any time of day. You
17 said it's not always all of the jewelry. But there was the
18 watches, the sneakers. As to those aspects, was that all the
19 time or sometimes or what?

20 A. No. As far as the clothes and the belt s, that was all
21 the time.

22 Q. The clothes and the belts, the Gucci belts and the Louis
23 Vuitton belts?

24 A. Yes.

25 Q. And different type of belts obviously?

1 A. Yes.

2 Q. And different watches?

3 A. Yeah.

4 Q. We're still talking about the more expensive watches? You
5 said there were only two or three that you observed?

6 A. Yeah. Not all of them had the diamonds around it. But I
7 did notice maybe one or two of them did.

8 Q. But he always wore the watches?

9 A. Yeah. Always had a watch.

10 Q. Okay. So after your interactions with D at the Top of the
11 Line Motoring, did there come another point in time when you
12 began interactions with D?

13 A. Yes.

14 Q. Approximately when was that?

15 A. The first time maybe 2004, 2005.

16 Q. Was that -- well, how did that occur?

17 A. I believe he was asking about doing a vehicle with a
18 hidden compartment in it.

19 Q. And when you say -- I'm sorry?

20 A. And we started talking about discussing that.

21 Q. Okay. When you say you started talking about doing a
22 vehicle with a hidden compartment in it, are you talking about
23 installing a trap in the vehicle? A concealed compartment
24 inside a vehicle?

25 A. Yes, a concealed compartment.

1 Q. So was D asking you to install a concealed compartment in
2 a vehicle?

3 A. Yes.

4 Q. Do you remember what type of vehicle that was?

5 A. I believe it was a Ford Windstar van.

6 Q. Would that be a minivan?

7 A. Yes.

8 Q. Ford Windstar minivan. Did you install the concealed
9 compartment, the trap, in the Ford Windstar minivan for D?

10 A. Yes, I did.

11 Q. When was it that you actually began drug trafficking with
12 D?

13 A. I believe that was somewhere around 2006 or 2007 when we
14 began.

15 Q. And how did it begin?

16 A. When the van was picked up, it was one of his friends that
17 was asking about taking a trip or if I'd ever be interested in
18 it.

19 Q. And when D's friend was asking about taking a trip, what
20 type of trip was he talking?

21 A. Taking a trip to go out of state to Arizona to pick up
22 drugs and bring them back.

23 Q. The person who picked up the minivan is the person who was
24 talking to you about these things?

25 A. Yeah. I believe he was there to pick up the minivan or

1 was just coming by to check the minivan out. I don't remember
2 exactly on that.

3 Q. Do you remember if he had a name, nickname?

4 A. The name I remember is Ray.

5 Q. Was he related to D or did he say whether he was related
6 to D?

7 MR. JORDAN: Your Honor, this would call for hearsay.
8 And I don't believe this is one of the coconspirators that
9 we're talking about.

10 THE COURT: Mr. Gilmer-Hill, who are we talking
11 about?

12 MR. GILMER-HILL: We're speaking about the individual
13 who picked up the minivan that had the concealed compartment
14 installed in it.

15 THE COURT: Okay.

16 MR. GILMER-HILL: And asked Mr. McWherter if he were
17 interested in traveling to Arizona to pick up drugs.

18 THE COURT: Okay. The objection is overruled.

19 MR. GILMER-HILL: Thank you.

20 BY MR. GILMER-HILL:

21 Q. This person Ray, did he say whether he was related to D?

22 A. He didn't really say nothing. Later on I heard them
23 joking about --

24 MR. JORDAN: Objection. Again, I think this is
25 clearly hearsay.

1 THE COURT: Yeah, that's --

2 MR. JORDAN: He's not talking about one of the
3 conspirators.

4 THE COURT: I think the fact is he doesn't have an
5 answer, Mr. Gilmer-Hill, to your question, other than what
6 he's provided. So please move on to your next question.

7 MR. GILMER-HILL: Okay. May I -- well, if I may
8 inquire further as to this.

9 BY MR. GILMER-HILL:

10 Q. When you say they were joking around, whom are you
11 referring to by they?

12 A. D later on. There was his brother at the time were joking
13 around about calling him Uncle Ray. So I don't know if it was
14 his uncle, but that's just what was heard.

15 Q. And the brother whom you're referring to, what was the
16 brother's name?

17 A. I'm not sure of his name. I just knew of his nickname.
18 It was Smokey.

19 Q. And in what context were you with D and Smokey and Uncle
20 Ray?

21 A. I was making a drop off of the drugs.

22 Q. Of marijuana?

23 A. Yes.

24 Q. Okay. So you were dropping off. And were Derrick, his
25 brother Smokey, and Uncle Ray with you or present when you were

1 dropping off the marijuana?

2 MR. JORDAN: Your Honor --

3 THE COURT: Just a minute.

4 MR. JORDAN: I have an objection to saying that it's
5 his uncle or his brother. That's assuming a fact not in
6 evidence.

7 THE COURT: Sustained. Let's refer to him as someone
8 who was once called Uncle Ray or something like that. I don't
9 know what the relationship is. He hasn't testified that he
10 knows their blood relationship.

11 MR. JORDAN: Actually, it was the brother, your
12 Honor. Not so much the uncle. He referred to this gentleman
13 as D's brother. I don't think anything's been established
14 that this was his brother.

15 THE COURT: Fair enough. That's sustained. Let's
16 just refer to him as the person you thought was his brother.

17 MR. GILMER-HILL: Thank you. If I may just ask the
18 question.

19 BY MR. GILMER-HILL:

20 Q. Why is it that you believe this person was D's brother?

21 MR. JORDAN: Calls for speculation, your Honor.

22 THE COURT: If he knows the answer. Overruled.

23 THE WITNESS: That's just what I was introduced, that
24 it was his brother.

25 BY MR. GILMER-HILL:

1 Q. Who introduced you to this person as Derrick's brother?

2 A. D did.

3 MR. JORDAN: Now, your Honor, I would object because
4 that would be hearsay. Again, it's not in furtherance of
5 anything, so.

6 THE COURT: Okay. It's just -- overruled.

7 MR. JORDAN: Your Honor, may we have a sidebar,
8 please?

9 THE COURT: We certainly can.

10 (Bench Conference)

11 THE COURT: Let me ask a quick question.

12 MR. JORDAN: I don't want to make it seem like I'm
13 splitting hairs, but my client is charged with committing a
14 crime of her brother. I don't want somebody to think that
15 there was another brother who was involved in a drug deal
16 because we don't even know who this guy is or whether he
17 really was a brother. This man just simply heard him referred
18 to as his brother.

19 So unless I can cross-examine the person that said
20 that was his brother. And it's not in furtherance of any
21 conspiracy. This is just referring to somebody as -- you can
22 see where referring to somebody as that because Mr.
23 Gilmer-Hill said his brother, blah, blah, blah. That's my
24 objection.

25 THE COURT: Okay. Your response?

1 MR. GILMER-HILL: Your Honor, the witness has
2 testified that D, Derrick White, with whom he was engaged in
3 drug trafficking, introduced another person who was present
4 when marijuana was being delivered by Mr. McWherter and
5 unloaded as being his brother.

6 THE COURT: Yes.

7 MR. GILMER-HILL: And whose present marijuana is
8 being unloaded and whom I intend to inquire further as to what
9 else was done in front of and/or by him. This is another
10 coconspirator.

11 THE COURT: Who is it?

12 MR. GILMER-HILL: It is D's brother who Mr. McWherter
13 knows by the name of Smokey.

14 THE COURT: Okay.

15 MR. GILMER-HILL: Introduced to Mr. McWherter by D as
16 his brother. Told the name of Smokey.

17 THE COURT: Okay.

18 MR. GILMER-HILL: That is squarely within the
19 coconspirator statements.

20 THE COURT: I think D's --

21 MR. GILMER-HILL: It goes towards Mr. McWherter
22 knowing and feeling that he can, in fact, conduct his criminal
23 activities in front of this person who's been introduced to
24 him as a relative of Derrick White.

25 MR. JORDAN: But that does not make him a relative.

1 The fact that he -- now if he had said something like I want
2 you to go pick up that van to this person, that's in
3 furtherance of a conspiracy. But simply saying this is my
4 brother, that's not in furtherance of a conspiracy. And the
5 harm here is that unless I can cross-examine him about that
6 statement, these jurors might leave the impression that that
7 is, in fact his brother.

8 THE COURT: Is it his brother?

9 MR. GILMER-HILL: Yes.

10 MR. JORDAN: But when you say --

11 THE COURT: Stop. Let me just ask another --

12 MR. JORDAN: He says that it's his brother and you're
13 going to accept the prosecutor saying that.

14 THE COURT: Not necessarily.

15 MR. JORDAN: You didn't ask me whether it's his
16 brother, Judge. I'm just trying to be fair. You're taking
17 his word for it. You've got to ask me if is it brother.

18 THE COURT: Is it his brother?

19 MR. JORDAN: I've got to go ask my client.

20 THE COURT: You've already asked your client. You
21 know.

22 MR. JORDAN: No, I have not, Judge. I haven't heard
23 of this person before. This is my first time hearing about
24 this guy.

25 MR. GILMER-HILL: Mr. McWherter mentioned it in the

1 report about his --

2 THE COURT: Closer. Move closer.

3 MR. GILMER-HILL: It's mentioned in the report about
4 Mr. McWherter's prior statements to the Government that have
5 been provided to you.

6 MR. JORDAN: But this is my first time knowing about
7 this guy, Judge.

8 THE COURT: Your objection is overruled in the sense
9 that it was D who made the statement about working with this
10 other person who Mr. McWherter says he was told was his
11 brother. And it's all in furtherance of the -- putting the
12 compartment into the car and engaging in drug trafficking
13 together.

14 MR. GILMER-HILL: And in this instance actually this
15 is the receipt of marijuana.

16 THE COURT: Right.

17 MR. GILMER-HILL: And I will further go into the
18 inquiry as to how with this witness. So the same point, the
19 witness has testified that D and the person who -- and the
20 person who D introduced as his brother introduced the third
21 individual. They were laughing. The witness, Mr. McWherter,
22 said that they referred to him laughing as godfather and as
23 their uncle.

24 THE COURT: Okay.

25 MR. GILMER-HILL: I do not -- so the context in which

1 their label of him as uncle is before the jury. But I do not
2 -- they -- the two brothers have, themselves, identified this
3 third person as Uncle Ray. Now, if counsel wants -- my
4 position if counsel wants to cross-examine on that or argue
5 and close that maybe it wasn't a real uncle, fine. But I
6 should not be precluded from using the same label that the
7 coconspirators used as to this individual.

8 MR. JORDAN: Are you going to argue that it is
9 actually his uncle or are you just using the label? It's one
10 thing to say this person Uncle Ray. It's another thing to
11 argue that that was, in fact, his uncle.

12 If you argue that was, in fact, his uncle, number
13 one, I don't see how that goes to any part of this conspiracy.
14 And if it does go to this conspiracy, that's precisely my
15 point. You're going to be labeling somebody as being a family
16 member and I do not get an opportunity to rebut that. It does
17 not go to --

18 THE COURT: With regard to the uncle, what I'd like
19 you to do is just say the person called Uncle Ray. Did the
20 person called Uncle Ray.

21 MR. JORDAN: I've got no problem with that. It's
22 nothing offered for the truth of the matter asserted that it's
23 his uncle.

24 MR. GILMER-HILL: I believe you were going to ask
25 another question about the person who's referred to as Uncle

1 Ray. Were you about to ask if he's involved or --

2 THE COURT: No. I just -- I don't know enough yet
3 about the testimony. So as long as he's referred to as the
4 person who's called Uncle Ray, I'm fine.

5 MR. JORDAN: Thank you, your Honor. Okay.

6 (Open Court)

7 THE COURT: Okay. You may proceed, Mr. Gilmer-Hill.

8 MR. GILMER-HILL: Thank you, your Honor.

9 BY MR. GILMER-HILL:

10 Q. Mr. McWherter, before that interruption, I believe that
11 you were -- I was asking you to describe the context in which
12 you were present with D, his brother Smokey, and this
13 additional person whom they referred to as Uncle Ray. In what
14 context is it that you were with them?

15 A. As far as?

16 Q. What were you doing at the time that you saw them and they
17 made the introductions and were referring to this person they
18 called Uncle Ray as the godfather?

19 A. That's when we were dropping off or I was dropping off the
20 marijuana.

21 Q. And when you say we were dropping off the marijuana, who
22 are you referring to?

23 A. Me and Mr. Hale.

24 Q. Okay. And who else was -- so where were you dropping the
25 marijuana off to?

1 A. It was at a house in Detroit.

2 Q. Were you told whose house it was?

3 A. I was told -- it was a duplex house. I was told the house
4 belonged to his brother, Smokey.

5 Q. The same -- the brother Smokey, the same person who was
6 present when you were dropping off the marijuana?

7 A. Yes.

8 Q. And so were Smokey and this person they called Uncle Ray
9 both able to see you and Mr. Hale unloading the marijuana?

10 A. Yes.

11 Q. Did either of them help you and Mr. Hale unload or move or
12 handle the marijuana?

13 A. Not really so much.

14 Q. Did they do anything in relation to the marijuana?

15 MR. JORDAN: Judge, relevance.

16 THE COURT: Sustained. We're just talking about
17 unpacking the vehicles.

18 MR. GILMER-HILL: The marijuana from the vehicle?

19 THE COURT: Yes. Okay. I mean, if you can just move
20 along. What I'm trying to do is keep the trial moving along.
21 You can ask questions about who touched the marijuana and who
22 was involved. But then we're just going to try to keep
23 moving.

24 BY MR. GILMER-HILL:

25 Q. Okay. And my question is did Smokey do anything with

1 regard to the marijuana?

2 A. He might have told us where to put it.

3 MR. JORDAN: Objection with the might have. I'm
4 sorry. But it has to be definitive.

5 THE COURT: Sustained. Lay a foundation what he saw,
6 what he remembers, and that sort of thing.

7 BY MR. GILMER-HILL:

8 Q. Sir, when you say might have, if you would, please, I
9 mean, if you can remember what he did, then first tell us
10 whether Smokey did anything with regard to the marijuana and
11 tell us -- if so, tell us what he did.

12 A. I do remember he told us to put it in the basement because
13 we were able to come in the side door and just drop it down the
14 staircase into the basement. And I believe he was the one that
15 told us --

16 MR. JORDAN: Again, your Honor, I'm sorry. But when
17 he says I believe --

18 THE COURT: Overruled. These are the way -- people
19 speak in that manner. And so Mr. McWherter, when we're here
20 in court, it's very important that we know if you know this
21 for sure. And we don't want you guessing about what happened.
22 Or if your member is foggy about it, tell us it's foggy. I
23 can't really remember. And if you do remember, then just tell
24 us what happened.

25 THE WITNESS: It's probably not 100 percent remember

1 that it was him that said it. But I do believe it was him
2 that said it.

3 BY MR. GILMER-HILL:

4 Q. Okay. When you say it, are you now referring to the
5 additional piece about dropping it -- just drop it down the
6 stairs?

7 A. Yeah. Where to put it in the house.

8 Q. So let's back up a few steps because initially we were
9 talking about when you began the drug trafficking with D. You
10 made reference to, I believe, Ray who was later referred to by
11 D and Smokey as Uncle Ray being the first person who approached
12 you about becoming involved in transporting marijuana; is that
13 correct?

14 A. Yes.

15 Q. And he did so when -- Ray did so when Ray was --

16 MR. JORDAN: Your Honor, I'm trying to give some
17 leeway. But these questions are extremely leading. He's
18 leading.

19 THE COURT: Okay. Sustained.

20 BY MR. GILMER-HILL:

21 Q. When did Ray do so?

22 A. Do so?

23 Q. When did Ray ask you if you wanted to become involved in
24 transporting marijuana?

25 A. When he came to it was either look at the vehicle or pick

1 the vehicle up. I believe he came to look at it.

2 Q. And by the vehicle, which vehicle are you referring to?

3 A. The Windstar.

4 Q. The Windstar minivan?

5 A. Yes.

6 Q. That you put a trap in?

7 A. Yes.

8 Q. Did there come a later point in time when you did begin
9 drug trafficking and marijuana -- transporting marijuana with
10 D?

11 A. Yes.

12 Q. And how did that occur?

13 A. That occurred talking with D and making arrangements to do
14 so.

15 Q. And so as you talked to D and made the arrangements, was
16 there a discussion about what roles each of you would play?

17 A. Not exact roles. Mine was kind of the take the money to
18 Arizona.

19 Q. When you say yours was kind of the take the money to
20 Arizona, tell us, sir, please, was your role to take money to
21 Arizona?

22 A. Yes. My role was to take money to Arizona.

23 Q. Did you have any other role in the drug trafficking?

24 A. To pick up the marijuana in Arizona and bring it back to
25 Detroit.

1 Q. And deliver it to who in Detroit?

2 A. And then deliver it to D in Detroit.

3 Q. And is that what you were doing when you were at Smokey's
4 house?

5 A. Yes.

6 Q. When you say your role was to take money to Arizona, tell
7 us how were you to -- or how did you receive the money to take
8 to Arizona? Who brought it to you?

9 A. D would bring me the money.

10 Q. How did D deliver the money?

11 A. I don't understand. As far as --

12 Q. How was the money packaged when D brought it to you?

13 A. Usually it was packaged in like the airtight food
14 processor type bag.

15 Q. And by airtight food processor type bags, are you
16 referring to something that might be vacuum sealed?

17 A. Yes. Vacuum sealed.

18 THE COURT: Mr. Gilmer-Hill, my court reporter needs
19 to change something on her machine. So let's pause for just a
20 minute it may take us just a minute. I'm sorry to interrupt
21 right in the middle of a question. Why don't we take a
22 ten-minute break now and then we'll go until about 12:45 and
23 take our lunch break then. Is that agreeable with everybody?
24 Does that meet what your needs are? Okay. So please rise for
25 the jury.

December 1, 2016

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1 (Brief Recess)

2 (Jury Out)

3 THE CLERK: All rise for the jury.

4 (Jury In)

5 THE COURT: Please be seated. Mr. Gilmer-Hill.

6 MR. GILMER-HILL: Thank you, your Honor.

7 BY MR. GILMER-HILL:

8 Q. Sir, before this break, we were discussing, I believe, the
9 vacuum sealed bags of money that D delivered to you to be
10 transported to Arizona. Do you remember that?

11 A. Yes, I do.

12 Q. So when D delivered the vacuum sealed packages, was it
13 more than one vacuum sealed package?

14 A. Yeah. Usually there was a couple.

15 Q. So were those in another container?

16 A. Usually garbage bags.

17 Q. What type of garbage bags? What color were they?

18 A. Just a black garbage bag.

19 Q. Kitchen? Big or small?

20 A. The bigger ones. I guess the more like outside trash can
21 type.

22 Q. So like a 30 or 50 gallons? The type you sit on the curb?

23 A. Yes.

24 Q. And how full of money were these black 30 or 50 gallon
25 trash bags?

1 A. It would fill up the bottom pretty good. It was -- at
2 certain times it would get -- we actually kind of thought in
3 your head for a second that this is heavy to lift and it's
4 money.

5 Q. And you said -- again, you said kind of -- did that happen
6 to you?

7 A. Yes.

8 Q. So there were a few times when you were trying to lift the
9 bag and were consciously thinking of how heavy it was?

10 A. Yes. Me and Mr. Hale actually talked about that. We're
11 both not small guys. It's kind of heavy to lift.

12 Q. And was the -- that money was being -- was that money used
13 to purchase the marijuana in Arizona?

14 A. Yes, it was.

15 Q. Was there anyone besides -- so far you've mentioned a few
16 people who were involved with regard to the minivan and the
17 house. Was anyone else involved in the drug trafficking with
18 you?

19 A. Yes, there was.

20 Q. Who else was involved in the drug trafficking with you?

21 A. There was another gentleman named Shoun. Then there were
22 also two others, Greg and another guy. I don't know his name.
23 I know his nickname as Chilly.

24 Q. Did Greg have a nickname?

25 A. Yes, he did.

1 Q. What was Greg's nickname?

2 A. Mr. Hanky.

3 Q. And through the course of your drug trafficking, did you
4 come to learn how much -- well, so who was actually paying for
5 buying the marijuana in Arizona? Who was actually paying for
6 the marijuana?

7 A. So who was giving us the -- coming up with the money in
8 Detroit to take down?

9 Q. No. So you transport -- D provides money to you to
10 transport to Arizona, correct?

11 A. Correct.

12 Q. And then that money was used to buy marijuana, correct?

13 A. Correct.

14 Q. Whose money was it that was being used? Did D just
15 provide the money to you to deliver it or was it D's money?

16 A. It was D's money.

17 Q. Anyone else's money?

18 A. Some of it was Shoun's money.

19 Q. And do you know how much D and Shoun were paying for the
20 marijuana in Arizona?

21 A. It was, depending on the time of year, 400 a pound, 500 a
22 pound.

23 Q. And how is it that you know that?

24 A. D and Shoun talking about it.

25 Q. Were you being paid to transport the marijuana?

1 A. Yes, I was.

2 Q. You weren't just doing it out of the generosity of your
3 heart?

4 A. No.

5 Q. How much were you being paid to transport the marijuana?

6 A. My pay was a hundred dollars per pound.

7 Q. You say your pay was a hundred dollars per pound. Was Mr.
8 Hale also helping to transport the marijuana?

9 A. Yes, he was.

10 Q. Was his pay separate from yours or was it part of that
11 hundred dollars per pound?

12 A. It was part of the hundred per pound.

13 Q. So it was a hundred dollars per pound for the
14 transportation?

15 A. Yes.

16 Q. So do you know what -- so once the marijuana was purchased
17 in Arizona, you said it was being brought back here to Detroit?

18 A. Yes.

19 Q. Do you know how much -- well, who was selling it -- well,
20 what was being done with it back here in Detroit?

21 A. It was brought back and then delivered to D and Shoun.

22 Q. Do you know what D and Shoun were doing with it?

23 A. They were selling it.

24 Q. Do you know how much D and Shoun were selling the
25 marijuana for?

1 A. It would depend on who they were selling it to. If it was
2 a larger quantity customer, they would get a break on price,
3 around 900 a pound. If it was smaller quantities, was around a
4 thousand a pound.

5 Q. So 900 to a thousand dollars per pound. So D and Shoun
6 were -- excuse me -- clearing 5 to 600 -- well, I guess 4 to
7 600 dollars a pound?

8 A. Yes.

9 Q. As their profit. So they were, in fact, making 4 to 6
10 times as much money as you and Mr. Hale were making?

11 A. Correct.

12 Q. And you and Mr. Hale made quite a bit of money in this
13 drug trafficking, didn't you?

14 A. Yes.

15 Q. And so D and Shoun made quite a bit of money also then,
16 didn't they?

17 A. Yes.

18 Q. This -- D's brother Smokey to whose house you delivered
19 the marijuana while he was present, would you please describe
20 him.

21 A. Taller. Slender built. When I'd see him he had short
22 braids in his hair.

23 Q. Any distinguishing characteristics? Tattoos, scars?

24 A. No. Don't recall anything.

25 Q. Facial -- any moles?

1 A. Not that I recall.

2 Q. Do you know whether anything happened to Smokey?

3 A. I was talking to D one day and --

4 MR. JORDAN: Your Honor, objection. Calls for
5 hearsay. Again, I don't believe it's within the scope --

6 THE COURT: Let me hear the question again.

7 MR. GILMER-HILL: Do you know what happened to
8 Smokey?

9 THE COURT: Okay. Overruled.

10 THE WITNESS: He passed away from cancer.

11 BY MR. GILMER-HILL:

12 Q. And thank you, sir. My first question was do you know.
13 And my next question was going to be -- how is it that you know
14 what happened to Smokey?

15 A. I was talking to D one time about it on a trip that we
16 were going down to Arizona. And he --

17 MR. JORDAN: The same objection, your Honor. I don't
18 believe -- this would be hearsay. He's not going to any
19 conspiracy. And also relevance as well, your Honor.

20 THE COURT: Yeah.

21 MR. GILMER-HILL: If I may respond, your Honor?

22 THE COURT: Is this relevant to -- yeah. Go ahead.
23 Respond.

24 MR. GILMER-HILL: Coconspirator statement.

25 THE COURT: Yes.

1 MR. GILMER-HILL: He's speaking to D and --

2 THE COURT: I understand that. I just don't know if
3 this goes to the heart of the issue here. So I'll overrule it
4 for now. But we'll try to just keep focused and moving.

5 BY MR. GILMER-HILL:

6 Q. Sir, I think you were saying or you said that you were
7 speaking to D in relation to a trip to Arizona. Was that a
8 trip to Arizona for marijuana, once again?

9 A. Yes.

10 THE COURT: Okay. Then it's overruled.

11 BY MR. GILMER-HILL:

12 Q. And so during this trip to Arizona for marijuana, what did
13 D tell you about his brother Smokey?

14 A. That he wasn't going to make it down to Arizona because
15 his brother passed away and that Shoun would be down there
16 though.

17 Q. And by -- when you say he wasn't going to make it, you
18 mean D was not going to make it to Arizona?

19 A. Yes. Because he would be in Detroit.

20 Q. And approximately when was that that happened?

21 A. I don't remember an exact date. Probably sometime in
22 2009.

23 Q. So besides Smokey's house, were there -- well, I'm sorry.
24 Let me try that again. In Arizona where you transported the
25 money, were there particular locations that you and D and the

1 other individuals involved used?

2 A. There were multiple locations.

3 Q. And how about in metropolitan Detroit. Were there
4 multiple occasions that you and D and Shoun and the other drug
5 traffickers used here in metropolitan Detroit as well?

6 A. Yes, there were multiple.

7 Q. Were those multiple locations you used to deliver the
8 marijuana?

9 A. Yes.

10 Q. And approximately how many trips, how many occasions
11 roughly did you transport sounds like bulk money to Arizona and
12 then return with bulk marijuana to Detroit?

13 A. We would average -- we wouldn't do anything over the
14 summertime. So we would do maybe nine trips, eight trips a
15 year for three, three and a half years. So 20 plus trips.

16 Q. And approximately how much marijuana did you bring back
17 per trip?

18 A. It would vary. But the least amount would be 1,200 pounds
19 because that's what the one compartment that we had would fit.

20 Q. And what was the most?

21 A. The most was actually when we got arrested. And I believe
22 that was -- I don't remember exactly. It was 25 or 2,800
23 pounds.

24 Q. So that was the range, 1,200 to 2,800 pounds?

25 A. Yeah. That would be the most. The average would probably

1 be I would say 1,800 to 2,000 would probably be more of an
2 average.

3 Q. So the average was literally approximately a ton of
4 marijuana?

5 A. Correct.

6 Q. During this time of your drug trafficking with D, did you
7 learn how he was spending the money that he was making drug
8 trafficking?

9 A. A lot of it was on clothes, vacations, cars. Kind of
10 doing jewelry. I guess what he really felt like doing.

11 Q. Did you know D to have any legitimate employment, any
12 employment other than the drug trafficking he was engaged in
13 with you?

14 A. No.

15 Q. Were there occasions when you and Mr. Hale were approached
16 while you were traveling across country and individuals might
17 ask you what you guys were doing?

18 A. Yes.

19 MR. JORDAN: Objection as to relevance, your Honor.

20 THE COURT: The question was?

21 MR. GILMER-HILL: Were there occasions when Mr.
22 McWherter and Mr. Hale were traveling across country while --
23 instead of just repeating it, if I may just ask a slightly
24 more better detailed question.

25 THE COURT: Okay. Go right ahead.

1 BY MR. GILMER-HILL:

2 Q. Were there occasions when you and Mr. Hale were traveling
3 across country hauling marijuana in your oversized fancy motor
4 home and extended trailer when people might inquire of you and
5 Mr. Hale as to what you were up to?

6 MR. JORDAN: Objection as to relevance, your Honor.

7 THE COURT: Overruled.

8 THE WITNESS: Yes.

9 BY MR. GILMER-HILL:

10 Q. And so when curiosity was aroused about you and Mr. Hale
11 based upon you having these expensive looking trappings, what
12 did you and Mr. Hale say to individuals or tell the individuals
13 --

14 THE COURT: I think I'll sustain it. I mean, who are
15 these individuals? Who would ask you or be suspicious about
16 these vehicles?

17 THE WITNESS: We did get questioned going into truck
18 stops to refuel.

19 THE COURT: Okay.

20 THE WITNESS: People see two younger guys getting out
21 of a motor coach and it was just the nature of curiosity.
22 People that are around us or in the truck stop say, oh, what
23 do you guys do for a living and stuff like that.

24 THE COURT: Okay.

25 MR. JORDAN: Again, your Honor, I renew my objection

1 as to relevance.

2 THE COURT: I think we should move on. I think
3 that's sustained as to relevance, what happened at the truck
4 stop. So let's move on to the next question.

5 MR. GILMER-HILL: I apologize. May we approach?

6 THE COURT: Sure.

7 (Bench Conference)

8 THE COURT: See, Mr. Gilmer-Hill, what I want to do
9 is keep the case moving and unless can you connect the
10 defendant to seeing these vehicles -- is that where you're
11 going? She saw them?

12 MR. GILMER-HILL: No, Your Honor.

13 THE COURT: Okay.

14 MR. GILMER-HILL: But inasmuch as the defense theory
15 that's been posited thus far relating to whether or not the
16 trappings of young people having very expensive items and
17 their responses, I believe that -- I'm laying the foundation
18 that there was a pattern. Mr. McWherter and Mr. Hale had a
19 response that they provided. And then I will inquire of him
20 to any patent responses that Mr. White provides when he is
21 asked about the trappings of these expensive -- or similar
22 expensive trappings.

23 MR. JORDAN: My only position is how does that get
24 these jurors any closer to whether or not she laundered money?

25 THE COURT: I think as I understand it, the

1 Government's trying to say she should have known that any
2 money she received --

3 MR. JORDAN: But even if that's the case, how does
4 somebody asking this man where do you get into that car have
5 anything to do with whether Tashun White laundered money?
6 This could just be somebody saying I like that car or I'm
7 curious about that car. But it has nothing to do with Tashun
8 White's knowledge.

9 MR. GILMER-HILL: -- developed on cross-examination.
10 But certainly every single piece doesn't have to be related to
11 --

12 THE COURT: No.

13 MR. GILMER-HILL: I mean, much like Mr. Jordan was
14 objecting to the idea of introducing yet other vehicles that
15 didn't have her name on it but ultimately were tied to Ms.
16 White through --

17 MR. JORDAN: But I'm just saying relevance. That's
18 all. Still has to be relevant.

19 THE COURT: It does have to be relevant. So just go
20 directly to when people questioned what you did, what did you
21 tell them. When people questioned how Derrick White had the
22 fancy, what did he tell them.

23 MR. GILMER-HILL: Yes, your Honor.

24 THE COURT: And then we'll move on.

25 MR. GILMER-HILL: My initial question that Mr. Jordan

1 objected to, which I had to go back and try to lay the
2 foundation. I'll be happy to try to streamline things.

3 THE COURT: Let's just streamline here.

4 MR. JORDAN: Help me here. How does it get you any
5 closer? Answers to people. We had a patent answer to say
6 such and such. Okay. So what? What does that do to get
7 these jurors any closer?

8 MR. GILMER-HILL: If your Honor's ruled -- again, it
9 relates to refuting the defense theory that's been posited so
10 far that despite having lots of trappings, it's not unusual.
11 It doesn't cause anyone to raise eyebrows. The ideal that --
12 I mean, this --

13 THE COURT: But let's go --

14 MR. JORDAN: But that was Mr. McWherter and I
15 specifically asked in that area of Atlanta is it uncommon.
16 This is something completely different.

17 THE COURT: I know.

18 MR. JORDAN: He's asking when you're driving a truck
19 do people ask you about your truck. I haven't even
20 cross-examined -- let me finish, Carl. I haven't even
21 cross-examined this man so he doesn't know if I'm going to get
22 into the truck. Whether somebody said, that truck, I like it.
23 Their response has nothing to do with conspiracy.

24 THE COURT: We've already been over that. What I
25 think is actually relevant is D, because Ms. White is not

1 alleged to have seen the truck or been a part of that portion
2 of it. Is she?

3 MR. GILMER-HILL: No. But the trappings of the --
4 and I apologize. Because I don't want to continue with a
5 lengthy sidebar that would far extend the one or two questions
6 that I had to set up the direct inquiry as to D and to move
7 on.

8 THE COURT: Let's just go directly to D. Can we do
9 that? Because I don't -- I just don't think this is helpful
10 to the case. It's not relevant what people at a truck stop
11 said to Mr. McWherter if she never saw Mr. McWherter.

12 MR. GILMER-HILL: I appreciate that, your Honor. I
13 appreciate that. I just had the single question to set up my
14 next one. I will continue and try to streamline.

15 THE COURT: Thank you.

16 (Open Court)

17 THE COURT: Thank you, all. All right. Go ahead,
18 Mr. Gilmer-Hill.

19 BY MR. GILMER-HILL:

20 Q. I apologize, Mr. McWherter. I'd forgotten where we were.
21 I know that we were discussing were there occasions when
22 because of the expensive trappings surrounding you, people
23 asked questions?

24 A. Yes.

25 Q. Did you and Mr. Hale have occasion to discuss with D

1 responses that you and Mr. Hale provide when people raise such
2 questions to you about having lots of expensive trappings?

3 A. Yes.

4 Q. Did D provide any statements to you about whether he had
5 similar encounters or similar occasions when people asked him
6 about having lots of expensive trappings?

7 A. Yes, he did.

8 Q. And did D tell you whether he, too, had a patent response?

9 A. Yes.

10 Q. And what was -- did D tell you what the patent response --
11 was it a single patent response or was it -- were they of a
12 nature?

13 A. No. He told us of what he would say.

14 Q. And what was that?

15 A. He would tell people that asked questions that he was in
16 the music business.

17 Q. Thank you. But D indicated that people did ask questions?

18 A. Yes.

19 Q. Thank you. Now, I believe a couple of moments ago you had
20 suggested that D was spending a lot of his money on clothes,
21 cars, vacations and jewelry. Can you describe for us some of
22 the cars that you know Derrick White to have spent some of his
23 drug trafficking money on?

24 MR. JORDAN: Your Honor, I'm sorry to -- may we
25 approach briefly?

1 THE COURT: Sure.

2 (Bench Conference)

3 MR. JORDAN: Judge, I just want to let Mr.
4 Gilmer-Hill know, of course he can try his case however he
5 wants. I'll stipulate to the cars, Judge. We're going over
6 stuff that's not even in dispute. So I just want to let you
7 know I know you want to streamline this. Quite frankly, I'll
8 stipulate to everything in that book having come from him and
9 him being in it.

10 THE COURT: Then let's let Mr. Gilmer-Hill do a
11 little bit of leading with --

12 MR. GILMER-HILL: Thank you. I would --

13 MR. JORDAN: I'm letting him lead a lot already. I
14 really am.

15 THE COURT: You what?

16 MR. JORDAN: I'm letting him lead a lot already.

17 THE COURT: If what we want to do is streamline,
18 he'll say did you know him to drive the Lamborghini, the
19 Porsche, the Aston Martin.

20 MR. JORDAN: Okay. I got it. Please, please,
21 please.

22 (Open Court)

23 THE COURT: Go right ahead, Mr. Gilmer-Hill.

24 MR. GILMER-HILL: Thank you.

25 BY MR. GILMER-HILL:

1 Q. Sir, I believe that you were about to list some of the
2 cars that you knew D to have spent his drug money on. Let me
3 -- did you and D discuss cars?

4 A. Yes, we did.

5 Q. Did D tell you that he was spending his drug money on
6 cars?

7 A. He did say he was buying cars.

8 Q. Did he tell you about several different cars that he
9 purchased?

10 A. Yes. We actually talked about cars a lot. We were both
11 pretty into cars.

12 Q. You and D were both pretty into cars?

13 A. Yes.

14 Q. Did he tell you about a 1967 Chevy Camaro?

15 A. Yes.

16 Q. What did he tell you about the 1967 Chevy Camaro?

17 A. That he originally bought the car, had it sent out to have
18 custom paint, a motor built for it, wheels. Was leaving a bar,
19 a club I believe it was, and hit a curb, damaged a wheel. He
20 then brought it to my shop that I had and we sent it out and
21 had the wheel fixed and also the motor had cracked and we also
22 had the motor redone in it.

23 Q. Okay. And so the 1967 Chevy Camaro that D told you that
24 he had had it sounds like completely restored was brought by D
25 to your shop?

1 A. Yes.

2 Q. Was that vehicle still in your shop when your shop was
3 searched following your arrest?

4 A. Yes. And actually it wasn't brought to my shop from D. I
5 met D at another shop and we picked it up with a trailer,
6 because it had a blown motor, to bring to my shop.

7 Q. Okay. It was D's car?

8 A. Yeah. He was there to get the car at the place that it
9 was at.

10 Q. So D's car was in your shop? It was the 1967 Chevy
11 Camaro?

12 A. Yes.

13 Q. Thank you. Did D tell you about a 2008 Dodge Challenger
14 that he spent his money on?

15 A. Yes.

16 Q. When did -- how did that conversation come up?

17 A. Over the summertime, we didn't do a lot of work. We kept
18 in little communication. But as it was time to go back to
19 start the trafficking again, I was telling him that I just
20 bought a new 2008 Challenger. And he's like, oh, yeah, I got
21 one of those.

22 Q. So approximately when was this?

23 A. It would have been probably around the fall of 2008.

24 Q. So right when the cars first came out?

25 A. Yes.

1 Q. Anything special about the cars?

2 A. They were a limited production. They made 6,400 and they
3 were all SRT8 is the only way you could get it.

4 Q. And SRT high performance?

5 A. Yeah. It's their highest end model.

6 Q. And tough to obtain?

7 A. To buy one of the cars when they first came out, they were
8 going for over sticker price. You either had to go through a
9 car importer or find a dealership that was able to get you one.

10 Q. Did D tell you where he kept the 2008 Challenger?

11 A. Yes, he did.

12 Q. Where did D keep the 2008 Challenger?

13 A. Atlanta, Georgia.

14 Q. Did D tell you whether the vehicle was in his name?

15 A. He did not mention that.

16 Q. Did D discuss with you how he obtained the vehicle?

17 A. No.

18 Q. Did he tell you what he did with the vehicle?

19 A. I know he traded it. He told me about trading it in
20 because the wheels that were on the vehicle were an expensive
21 set of wheels. And I was interested in purchasing them. So
22 the dealership didn't want the aftermarket wheels on it. So
23 they were sent to my shop on a pallet so I could check out the
24 wheels and let him know if he wanted them. And they had some
25 chips. Because I fixed the wheels on the Camaro, I'd be able

1 to fix those.

2 Q. Okay. Okay. And so you said that the dealership didn't
3 want the customized wheels on the Challenger --

4 MR. JORDAN: Your Honor --

5 BY MR. GILMER-HILL:

6 Q. Is that because the Challenger was being traded in?

7 A. Yes.

8 MR. JORDAN: Objection as to relevance, Judge.

9 THE COURT: Yeah. Sustained.

10 MR. JORDAN: I think we've established what --

11 THE COURT: With respect to the wheels, let's move
12 on.

13 MR. GILMER-HILL: I'm sorry?

14 THE COURT: I don't think the wheels are relevant to
15 the allegations in this case.

16 MR. GILMER-HILL: I don't believe there was a
17 question about the wheels. Oh, let me --

18 BY MR. GILMER-HILL:

19 Q. Did -- was Derrick trading in the 2008 Challenger for a
20 Porsche Panamera?

21 A. Yes.

22 Q. 2010 Porsche Panamera?

23 A. I'm not sure the year, but it was a Porsche Panamera.

24 Q. D told you that?

25 A. Yes.

1 Q. Did D tell you about other occasions when he would trade
2 in a car to obtain a different car?

3 A. Yes.

4 Q. Did D mention whether he was paying for the cars he was
5 purchasing in cash?

6 A. He did not mention.

7 Q. Did he talk about the ease in which one can trade in a
8 vehicle as compared to cash?

9 A. Yes.

10 Q. What did D tell you about the ease with which one can
11 trade in a vehicle as compared to cash?

12 A. We were talking one time about vehicles and if the
13 vehicles --

14 MR. JORDAN: Your Honor, I'm going to object. We may
15 need to have a sidebar. But Judge --

16 THE COURT: Well, just state the basis of your
17 objection.

18 MR. JORDAN: Relevance, Judge. They're talking about
19 cars.

20 THE COURT: Overruled.

21 MR. JORDAN: He just said talking about cars.

22 THE COURT: Yes.

23 MR. JORDAN: So anything that they talk about is
24 going to be a part of the conspiracy, Judge? They're talking
25 about cars.

1 THE COURT: It's overruled.

2 MR. JORDAN: Thank you, Judge.

3 BY MR. GILMER-HILL:

4 Q. Sir, what did D tell you about the greater ease of trading
5 in vehicles rather than using cash to obtain another car?

6 A. Because you can trade in the vehicle and if the vehicle's
7 paid for, you get that money off the vehicle. So instead of
8 having to put down the cash, you just put down the vehicle.

9 Q. Did D ever speak to you about transporting money to
10 Atlanta?

11 A. He did ask me about it.

12 Q. What did D say to you about transporting money to Atlanta?

13 A. He asked about taking a trip to Atlanta to take some money
14 down there.

15 Q. What type of money?

16 A. Just some cash. He was looking at buying some cars. I
17 didn't end up doing it for him though.

18 MADAM COURT REPORTER: You said you did or didn't?

19 THE WITNESS: I did not do it.

20 BY MR. GILMER-HILL:

21 Q. So when D was talking to you about taking just some money
22 to Atlanta, he was asking -- was he asking you to transport --

23 MR. JORDAN: Objection, your Honor. Leading. We're
24 not talking about the cars now.

25 THE COURT: Okay.

1 MR. JORDAN: This is leading. It's leading.

2 THE COURT: Okay. Sustained.

3 BY MR. GILMER-HILL:

4 Q. For what purpose -- did D tell you what purpose he wanted
5 the money transported to Atlanta for?

6 A. He was looking at buying some cars.

7 Q. Why -- did D tell you -- why was D asking you to transport
8 the money rather than take it himself?

9 A. Because I was responsible for transporting the money to
10 Arizona and arrived safe. I would --

11 Q. So was it a sizable quantity of money that D was asking
12 you to transport to Atlanta?

13 A. Me and him never got into the exact amount.

14 Q. Do you know whether someone else took the money to Atlanta
15 for D?

16 A. Yes.

17 Q. How do you know that?

18 A. Because it was talked about.

19 Q. Between whom?

20 A. Me and Mr. Hale.

21 Q. What did Mr. Hale tell you?

22 A. That he took the money to Atlanta for D.

23 Q. The money that D was asking to be brought to Atlanta to
24 purchase cars?

25 A. Correct.

1 MR. GILMER-HILL: No further questions, your Honor.

2 Thank you.

3 THE COURT: Okay. Fantastic.

4 MR. JORDAN: Do you want to go ahead --

5 THE COURT: If everyone can hang tight for a little
6 bit longer, then we'll do this cross-examination and we can
7 dismiss this --

8 MR. JORDAN: I don't think it will be 15 minutes,
9 Judge.

10 THE COURT: Okay. Are you all right for 15 minutes,
11 members of the jury? Okay. So let's at least get 15 minutes
12 in.

13 CROSS-EXAMINATION

14 BY MR. JORDAN:

15 Q. Mr. McWherter, how old are you?

16 A. I'm 39.

17 Q. When did you start trafficking drugs?

18 A. Back in '06, '07.

19 Q. Come '06 or '07, did you say I want to start trafficking
20 drugs or was the opportunity posed to you?

21 A. The opportunity was brought up to me.

22 Q. And it was brought up to you by whom, Derrick?

23 A. Originally by Ray and then Derrick.

24 Q. Okay. And who's this person Ray?

25 A. Just an older gentleman.

1 Q. Does he know Derrick?

2 A. Yes.

3 Q. How do you know that Ray knows Derrick?

4 A. Because I did see him at one of the houses during one of
5 the drops of drugs.

6 Q. So Ray was a person that first posed to you drug
7 trafficking?

8 A. Yes. That asked about it.

9 Q. How did he say it? Did he just come up to you and say do
10 you want to make some extra money or what did he say?

11 A. Yeah, pretty much. Do you want to make some extra money?
12 You ever consider driving?

13 MR. JORDAN: Your Honor, may I approach the witness?
14 Because this book is there.

15 THE COURT: Yes. Certainly.

16 MR. JORDAN: Excuse me, sir.

17 BY MR. JORDAN:

18 Q. Do you know what made this person feel comfortable with
19 you to bring up the fact that he wanted you to possibly do some
20 illegal activity?

21 A. That the compartment or concealed compartment that I was
22 building in the van.

23 Q. Were you building that for -- for who were you building
24 that for?

25 A. That was for D.

1 Q. So D, even before you decided to start trafficking for D,
2 he asked you to build a compartment in his van?

3 A. Yes.

4 Q. Did you ask him why do you want this or it was kind of
5 implied, you knew?

6 A. Yeah, it was something you knew but kind of in your head
7 if you didn't ask.

8 Q. Okay. And you weren't going to ask him what it was for,
9 right?

10 A. Right.

11 Q. At that point in time you simply wanted the business,
12 correct?

13 A. Correct.

14 Q. How well did you know Derrick at that time when he asked
15 for that secret compartment?

16 A. I knew him a couple of years from coming into Top of the
17 Line Motoring and talking to him.

18 Q. Oh, so your relationship with him, he would come into Top
19 of the Line Motoring and you had a relationship with him before
20 you ever started trafficking, correct?

21 A. Correct.

22 Q. So he was a car guy, right?

23 A. Yes.

24 Q. D liked cars, correct?

25 A. Yes.

1 Q. He liked clothes. He liked cars. He liked to take trips,
2 right?

3 A. Yes.

4 Q. But would it be fair to say he was not a flashy guy? And
5 by that, I mean, he didn't walk around with a lot of gold
6 chains around his neck, did he?

7 A. He did not have a lot, no.

8 Q. What about a lot of rings and things like that? Did he
9 have a lot of flashy stuff like that?

10 A. He had watches. Never noticed rings.

11 Q. Okay. But he wasn't the kind of guy that would say, hi,
12 I'm Derrick, and he'd be showing the watch, would he?

13 A. No.

14 Q. It would be fair to say that he had expensive tastes? He
15 had a lot of money. But he was low key. Would that be fair to
16 say?

17 A. Yeah, he definitely was a low key.

18 Q. As a matter of fact, he tried to remain kind of private.
19 Would that also be fair to say?

20 A. Yeah. I don't think he had a lot of close friends.

21 Q. Okay. And he didn't walk around with a big entourage; is
22 that true?

23 A. Correct.

24 Q. Okay. Now, do you think that you were approached because
25 you did not fit the profile of a drug trafficker?

1 A. We actually talked about it.

2 Q. I'm sure you did. They discussed the fact that you don't
3 look like a drug trafficker, right?

4 A. At all.

5 Q. White guy, balding hair. And they discussed the fact that
6 you would be good to be the person traveling back and forth,
7 right?

8 A. Exactly.

9 Q. Because again, they did not want to bring attention to
10 themselves, correct?

11 A. Exactly.

12 Q. Okay. How much money did you make over the course of your
13 relationship with Derrick? Over a million dollars?

14 A. Yeah. It was probably over a million.

15 Q. More than 3 million?

16 A. I don't believe it was more than 3 million.

17 Q. Did you get involved in this with the intention of jumping
18 in, making some money, and getting out?

19 A. That was the intention.

20 Q. Like most people think they're going to do, correct?

21 A. Correct.

22 Q. But there was one point in time in your life when you made
23 a conscious decision to go into drug trafficking, correct?

24 A. Correct.

25 Q. Okay. And you knew when you went into this drug

1 trafficking that you might get caught, correct?

2 A. Yes. That was something else that was --

3 Q. Your wife was involved in it also?

4 A. No, she was not.

5 Q. Is your wife Kristie?

6 A. Yes.

7 Q. Okay. Did Kristie have any involvement at all with this
8 drug trafficking?

9 A. No, she didn't.

10 Q. Didn't she plead guilty to some charges?

11 A. Yes, she did.

12 Q. What charges did she plead guilty to?

13 A. I believe it was a money laundering charge.

14 Q. So that's part of the drug trafficking, is it not?

15 A. Yes. It was for some checks that she signed.

16 Q. But what you mean is she did not do any of the
17 transportation, correct?

18 A. Correct.

19 Q. She didn't touch any of the drugs, correct?

20 A. She didn't touch, right.

21 Q. But she knew that her -- you guys are boyfriend and
22 girlfriend?

23 A. Husband and wife.

24 Q. She knew that her husband was involved in drug
25 trafficking, correct?

1 A. No, she did not.

2 Q. So she did not know --

3 A. No.

4 Q. -- that you were getting the bulk of your money from
5 transporting drugs?

6 A. No.

7 Q. You were able to hide that from your own wife?

8 A. Yes. My wife was a housewife wife. She -- that's what
9 she focused on. Pregnant.

10 Q. So she focused on her career, correct?

11 A. Yes.

12 Q. She focused on her family, correct?

13 A. Yes.

14 Q. And you went out there and did what you did and she
15 thought you were working where?

16 A. Told her we had multiple businesses. One was a deli. One
17 was a shop that we, you know, would say we do car transporting.

18 Q. Were these any -- were any of these businesses legitimate
19 or were they all fronts?

20 A. The deli was.

21 Q. The deli brought in about how much per year? During your
22 period of drug trafficking?

23 A. The deli was just starting. So it wasn't a whole lot.
24 Maybe a hundred thousand a year, if I had to guess.

25 Q. Okay. And then your wife had her own job, right?

1 A. She worked for my company working doing like payroll stuff
2 at the deli and then if I needed parts ordered or anything at
3 the shop.

4 Q. But at some point in time didn't the shop cease to exist?

5 A. Yeah.

6 Q. And you kept running drugs though, right?

7 A. Yes.

8 Q. So what did your wife think you were doing when the shop
9 ceased to exist?

10 A. We would still do small things on cars. We did build
11 another spot for D to order materials, built them in our own
12 vehicles and had to buy materials.

13 Q. So your wife thought you were still working on cars even
14 though the shop the closed, correct?

15 A. Yeah. She, at that time, like I said she was pregnant.
16 We had newborns. Twin girls. And she didn't come around a
17 lot. So it was easy to hide things.

18 Q. How long did you hide from her that you were trafficking
19 in drugs? Did she not know until you got indicted?

20 A. Yes. Well, she knew when we were arrested and the agents
21 came to the house.

22 Q. And what was her involvement with this? About a check?

23 A. Yeah. She would -- I have horrible handwriting. So from
24 even to this day, she writes all the checks and signs the
25 checks. And that's what she did. She signed some checks and

1 made some bank deposits.

2 Q. And that was it?

3 A. Um-hum.

4 Q. So because of your trafficking -- because of your
5 trafficking drugs, by my calculation, you're looking at about
6 17 years, right?

7 A. Yes.

8 Q. And that's on the low end?

9 A. Yes.

10 Q. And the high end is 20 years, correct?

11 A. Yes, sir.

12 Q. And after you found out that you were looking at this
13 amount of time -- well, let me backtrack. You get stopped in
14 the van, correct?

15 A. No. We were in -- I was in my motor home. And that's the
16 one I was stopped in.

17 Q. Was Nicholas Hale with you?

18 A. He was actually in another vehicle following the pickup
19 and trailer.

20 Q. Now, weren't there two women with you guys?

21 A. Yes.

22 Q. Who were the two women?

23 A. One was my girlfriend at the time and her friend.

24 Q. So it wasn't your wife?

25 A. No.

1 Q. You kept that from your wife as well?

2 A. Yes.

3 Q. And Nicholas Hale, was he married at the time?

4 A. No. I believe he had a girlfriend at the time.

5 Q. Was the girl with him on that time when you got stopped
6 his girlfriend?

7 A. No.

8 Q. So both of you guys kind of like leading double lives,
9 right?

10 A. Exactly.

11 Q. You're drug dealers and your wife doesn't know it, right?
12 And you're pretending to be legitimate businessmen, but, again,
13 you're drug dealers, correct?

14 A. Correct.

15 Q. And you're not letting anybody know this, correct?

16 A. Correct.

17 Q. Now, what are you doing with all this money you're making
18 and you're not letting your wife know that you're trafficking
19 drugs? Does she think these are proceeds from the businesses?

20 A. She wouldn't see the money. It would get -- a lot of it
21 was hidden at the shop. Some we had put in the safe at the
22 house in downstairs that she knew about the safe but never had
23 a combination to.

24 Q. So she knew you were putting money in there but she didn't
25 --

1 A. Didn't know exactly what was in there. I mean --

2 Q. Now, didn't you have in addition to your house like a
3 swimming pool?

4 A. Yes, we had a swimming pool at the house.

5 Q. The swimming pool was about what, 120,000?

6 A. I don't remember exactly. But probably around that. That
7 was the whole backyard. It was an acre property.

8 Q. And how much money were you making at the time on paper to
9 the IRS? How much money were you making?

10 A. I don't remember.

11 Q. But certainly not -- were you making more than a hundred
12 thousand dollars on paper?

13 A. It might have been right around there.

14 Q. Okay. But certainly you knew once the Government started
15 looking into the things that you were buying that there might
16 raise some red flags, the things that you had bought, correct?

17 MR. GILMER-HILL: Objection. Foundation.
18 Speculation.

19 THE COURT: Overruled. If you know.

20 BY MR. JORDAN:

21 Q. We're talking about your case and the evidence against
22 you. So you're intimately familiar with the evidence against
23 you, are you not?

24 A. Yes.

25 Q. So you know when the Government came looking at you, they

1 were going to be looking to see how you spent this money,
2 correct?

3 MR. GILMER-HILL: Objection, again, your Honor.

4 MR. JORDAN: Oh, I'll rephrase it.

5 MR. GILMER-HILL: Vague.

6 THE COURT: Just one person at a time. Sustained.

7 MR. JORDAN: I'll rephrase it.

8 BY MR. JORDAN:

9 Q. You bought an expensive addition to your home, correct?

10 A. Correct.

11 Q. Certainly you knew that that might raise some red flags
12 once you got caught, correct?

13 A. I guess that wasn't what I was worried about when I got
14 caught.

15 Q. What were you worried about?

16 A. This. The time and the --

17 Q. Did you ever say to yourself I wish I hadn't gone down
18 this road of drug trafficking?

19 A. Every day for the past seven years.

20 Q. But again, you made this choice, did you not?

21 A. I sure did.

22 Q. And Nicholas Hale, he made the choice, too, did he not?

23 A. Yes, he did.

24 Q. Gregory Johnson, he made that choice, too, did he not?

25 A. Yes.

1 Q. Certainly Derrick made that choice, correct?

2 A. Yes.

3 Q. And who else amongst this group of people made that
4 choice? Who were involved that you can say, yes, that person
5 was definitely trafficking? Chilly before he died? Or was
6 that the person that died, Chilly?

7 A. No. Chilly was a guy that was in Arizona.

8 Q. So he certainly was involved, right?

9 A. Right.

10 Q. He signed up to do this. Who else?

11 A. Like you said, Greg. Gregory.

12 Q. What about Leshoun Byrd?

13 A. Yes, Shoun. D and myself and Nick Hale.

14 Q. Now, I didn't hear you mention Tashun White. As a matter
15 of fact, did you see Tashun White for the first time today in
16 person?

17 A. Yes.

18 Q. Throughout all this drug trafficking you never saw her,
19 did you?

20 A. Never.

21 Q. And when Derrick was talking about these cars, he never
22 said to you I'm going to get my sister to hide my drug money by
23 putting these cars in her name. He never said that, did he?

24 A. No.

25 Q. As a matter of fact, he never even intimated to you that

1 he was trying to hide his drug money through these cars. He
2 just came across as a car aficionado; is that true?

3 A. Yeah. We never talked about what names they were in.

4 MR. JORDAN: I have no further questions.

5 THE COURT: Okay. Mr. Gilmer-Hill? Any redirect?

6 MR. GILMER-HILL: No redirect, your Honor. Thank
7 you.

8 THE COURT: All right. Well, Mr. McWherter, thank
9 you, very much, for being here. And you may step down. And
10 you're free to leave.

11 (Excerpt of Proceedings Concluded)

12 * * *
13 - - -

14 CERTIFICATE OF OFFICIAL COURT REPORTER

15 I, Jeseca C. Eddington, Federal Official Court
16 Reporter, in and for the United States District Court Eastern
17 District of Michigan, appointed pursuant to provisions of Title
18 28, United States Code, Section 753, do hereby certify the
19 foregoing 67 pages are a true and correct transcript of the
20 proceedings had in the matter of UNITED STATES OF AMERICA
21 versus TASHUN YVONNE WHITE, Case No. 15-20040 held on December
22 1, 2016.

23
24 /s/ JESECA C. EDDINGTON
25 Jeseca C. Eddington, RDR, RMR, CRR, FCRR
Federal Official Court Reporter

2/18/2017
Date